

FORM PTO-1390  
(REV 2-2005)  
OMB-0651-0021

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NO.  
**12007-0067**

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

DATE: **October 20, 2006**

U.S. APPLN. NO.  
(IF KNOWN, SEE 37 C.F.R. 1.5)  
**10/568,430**

INTERNATIONAL APPLICATION NO.  
**PCT/DE2004/001806**

INTERNATIONAL FILING DATE  
**AUGUST 12, 2004**

PRIORITY DATE CLAIMED  
**AUGUST 14, 2003**

TITLE OF INVENTION: **TISSUE OR ORGAN MANIPULATION DEVICE**

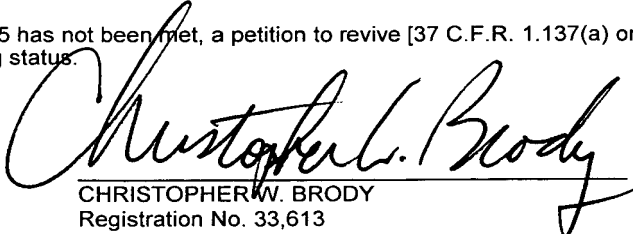
APPLICANT(S) FOR DO/EO/US: **Heinz RUPP, Bernhard MAISCH, Ekkehard SCHÜLER, and Michael KOCH**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371. (THE BASIC FILING FEE IS ATTACHED)
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures [35 U.S.C. 371(f)] at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed [35 U.S.C. 371(c)(2)]
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed [35 U.S.C. 371(c)(2)].
  - a. ☒ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 [35 U.S.C. 371(c)(3)]
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 [35 U.S.C. 371(c)(3)].
9. ☒ An oath or declaration of the inventor(s) [35 U.S.C. 371(c)(4)].
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 [35 U.S.C. 371(c)(5)].

Items 11 - 20 below concern other document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.
13. ☒ A FIRST preliminary amendment.  
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☒ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: **COPY OF NOTIFICATION OF MISSING REQUIREMENTS**

|   |              |   |                |  |                     |
|---|--------------|---|----------------|--|---------------------|
| U.S. APPLN. NO. (IF KNOWN,<br>SEE 37 C.F.R. 1.50)<br>10/568,430   |              | INTERNATIONAL APPLICATION NO.<br>PCT/DE2004/001806                            |                | ATTORNEY DOCKET NO. 12007-0067<br>DATE: October 20, 2006   |                     |
| <input checked="" type="checkbox"/> The following fees are submitted:   |              |   |                | <b>CALCULATIONS</b>  | <b>PTO USE ONLY</b> |
| <input type="checkbox"/> 21.) Basic National Fee ..... <b>\$300</b>   |              |   |                | \$   |                     |
| <input type="checkbox"/> 22.) Examination Fee - If International Preliminary Examination Report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4) ..... <b>\$100</b><br>All other situations ..... <b>\$200</b>  |              |   |                | \$   |                     |
| <input type="checkbox"/> 23.) Search Fee - If Search Fee (37 CFR 1.445(a)(2) has been paid in the International Application to the USPTO as an International Searching Authority ..... <b>\$100</b><br>International Search Report prepared and provided to the Office. <b>\$400</b><br>All other situations ..... <b>\$500</b> |              |   |                | \$   |                     |
| <b>TOTAL OF 21, 22 and 23 =</b>   |              |   |                | \$   |                     |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing on computer program listing filed in an electronic medium). The fee is <b>\$250</b> for each additional 50 sheets of paper or fraction thereof.   |              |   |                | \$   |                     |
| Total Sheets  | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole number) | RATE           |  |                     |
| 12-100  | 0/50=        |   | x <b>\$250</b> | \$   |                     |
| Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date [37 C.F.R. 1.492(h)].   |              |   |                | \$ 130   |                     |
| Claims  | Number Filed | Number Extra  | Rate           |  |                     |
| Total Claims  | 15 - 20 =    | 0   | X \$50.00      | \$   |                     |
| Independent Claims  | 1 - 3 =      | 0   | X \$200.00     | \$   |                     |
| Multiple dependent claim(s) (if applicable)   |              |   | + \$360.00     | \$   |                     |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>  |              |   |                | \$ 130   |                     |
| Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½  |              |   |                | \$ 65  |                     |
| <b>SUBTOTAL =</b>   |              |   |                | \$ 65  |                     |
| Processing fee of \$130.00 for furnishing the English translation later the 30 months from the earliest claimed priority date [37 C.F.R. 1.492(f)].   |              |   |                | \$ 130   |                     |
| <b>TOTAL NATIONAL FEE =</b>   |              |   |                | \$   |                     |
| Fee for recording the enclosed assignment [37 C.F.R. 1.21(h)]. The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). \$40.00 per property  |              |   |                | \$   |                     |
| <b>TOTAL FEES ENCLOSED =</b>  |              |   |                | \$ 195   |                     |
| 0/25/2006 OFREY1 00000122 10568430  |              |   |                | Amount to be refunded  | \$                  |
| 01 FC:2617 65.00 OP<br>130.00 OP  |              |   |                | Charged  | \$                  |
| 02aFC:18A check in the amount of \$195.00 to cover the above fees is enclosed.  |              |   |                |  |                     |
| b. <input type="checkbox"/> Please charge Counsel's Deposit Account No. 50-1088 in the amount of \$_____ to cover the above fee. A duplicate copy of this sheet is enclosed.  |              |   |                |  |                     |
| c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Counsel's Deposit Account No. 50-1088.   |              |   |                |  |                     |
| d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.   |              |   |                |  |                     |
| NOTE: Where an appropriate time limit under 37 C.F.R. 1.494 or 1.495 has not been met, a petition to revive [37 C.F.R. 1.137(a) or (b)] must be filed and granted to restore the application to pending status.   |              |   |                |  |                     |
| <b>SEND ALL CORRESPONDENCE TO:</b><br><b>CLARK &amp; BRODY</b><br><b>1090 Vermont Avenue, N.W.</b><br><b>Suite 250</b><br><b>Washington, D.C. 20005</b><br><b>Telephone: 202-835-1111</b><br><b>Fax: 202-835-1755</b><br><b>Customer Number: 22902</b>  |              |   |                |  |                     |
|   |              |   |                | <br><b>CHRISTOPHER W. BRODY</b><br>Registration No. 33,613<br>Date: October 20, 2006 |                     |



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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www.uspto.gov

CLWB  
Page 1 of 2  
12007-0067  
DOCKETED  
Missing Parts  
Due: Oct 21, 2006  
Final: Mar 21, 2007

|                             |                       |                  |
|-----------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/568,430                  | Heinz Rupp            | 120070067        |

|                               |  |
|-------------------------------|--|
| INTERNATIONAL APPLICATION NO. |  |
| PCT/DE04/01806                |  |

|                  |               |
|------------------|---------------|
| I.A. FILING DATE | PRIORITY DATE |
| 08/12/2004       | 08/14/2003    |

22902  
CLARK & BRODY  
1090 VERMONT AVENUE, NW  
SUITE 250  
WASHINGTON, DC 20005

CONFIRMATION NO. 9989

371 FORMALITIES LETTER



\*OC00000020118593\*

Date Mailed: 08/21/2006

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 02/14/2006
- Copy of the International Search Report filed on 02/14/2006
- Small Entity Statement filed on 02/14/2006
- Request for Immediate Examination filed on 02/14/2006
- U.S. Basic National Fees filed on 02/14/2006
- Priority Documents filed on 02/14/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. Note a processing fee will be required if submitted later than 30 months from the priority date.
- Processing fee of \$130 for providing the translation of the application and/or the Annexes later than 30 months from the priority date (37 CFR 1.492(i)).
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$195** for a Small Entity:

- **\$65** Surcharge.
- **\$130** for English translation surcharge required.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

LAMONT M HUNTER

Telephone: (703) 308-9140 EXT 201

**PART 1 - ATTORNEY/APPLICANT COPY**

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/568,430                  | PCT/DE04/01806                | 120070067        |

FORM PCT/DO/EO/905 (371 Formalities Notice)